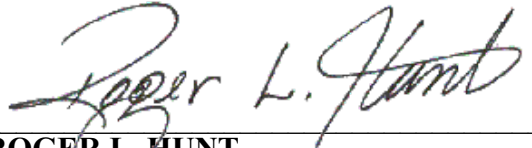


1 Accordingly, and for good cause appearing,

2 IT IS HEREBY ORDERED that Petitioner/Defendant Nathan Wane Herrington's
3 Notice of Filing of Second or Successive Petition in the Ninth Circuit and Filing of Protective Motion
4 to Vacate Under 28 U.S.C. § 2255 (#45) is GRANTED. Herrington's Motion to Vacate Under 28
5 U.S.C. § 2255 is stayed pending the Circuit Court's consideration of his application to file a second
6 or successive § 2255 motion.

7 IT IS FURTHER ORDERED that the Motion preserves the filing date of June 24, 2016
8 for statute of limitations purposes under *Johnson v. United States*, 135 S.Ct. 2551 (2015).

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12 Dated: July 18, 2016

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15 **ROGER L. HUNT**
16 **UNITED STATES DISTRICT JUDGE**
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